

Notice of Allowability

Application No.

10/089,162

Examiner

Sharidan Carrillo

Applicant(s)

LUMIA ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/25/2006.
2. ☒ The allowed claim(s) is/are 31-44 and 46-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SHARIDAN CARRILLO
PRIMARY EXAMINER

Sharidan Carrillo
Primary Examiner
Art Unit: 1746

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Stefan Koschmieder on 11/5/2006.
3. The application has been amended as follows:
 - a) Please amend claims 31, 35, 39, 41, 42, 49, 50, 51, 54, 56 and replace with the following:

Claim 31 (Currently Amended): A process, comprising:
extracting one or more organic compounds from at least one of cork or a cork-based material with a dense fluid under pressure at a temperature of from 10 to 120°C and a pressure of from 10 to 600 bar;
wherein the dense fluid under pressure comprises at least one cosolvent in an amount of from 0.01 to 10% by weight based on the total weight of the dense fluid under pressure,
wherein the dense fluid is in a supercritical state, and
wherein the extracting includes alternately increasing and decreasing the pressure in a plurality of cycles with an amplitude of pressure variation of from 10 to 100 bar and a time interval of from 10 seconds to 10 minutes.

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Claim 35 (Currently Amended): The process according to Claim ~~33~~ 34, wherein the cosolvent is water and the dense fluid under pressure is supercritical carbon dioxide.

Claim 39 (Currently Amended): The process as claimed in Claim 31, wherein the extracting eliminates one or more organic compounds selected from the group consisting of trichloroanisole and tetrachloroanisole, without eliminating any ceroids.

Claim 41 (Currently Amended) The process according to Claim 31, wherein the extracting is carried out for from 30 to 60 minutes and ~~at least 85%~~ of one or more polychlorophenols present in the cork or the cork-based material is extracted.

Claim 42 (Currently Amended): The process as claimed in Claim 31, wherein the extracting is carried out for from 30 to 60 minutes and ~~at least 98%~~ of one or more polychloroanisols polychloroanisoles present in the cork or the cork-based product is extracted.

Claim 49 (Currently Amended): The process according to Claim 31, wherein the extracting removes one or more organic compounds selected from the group consisting of a phenolic compound and an anisole compound.

Claim 50 (Currently Amended): The process according to Claim 31, further comprising:

gasifying ~~the densifying~~ the dense fluid under pressure by changing at least one of the temperature and the pressure to separate one or more extracts, and recycling the gasified dense fluid.

Claim 51 (Currently Amended): The process according to Claim 31, further comprising:

chemically or mechanically treating the cork or the cork-based material before or after extracting the organic compounds from the cork or the cork-based material with the dense fluid under pressure.

Claim 54 (Currently Amended): A process for manufacturing bottle corks, comprising:

~~manufacturing~~ shaping a bottle cork from the cork or the cork-based material obtained by the process of Claim 31.

Claim 56 (Currently Amended): The process according to Claim 31, further comprising:

forming one or more extracts by extracting the organic compounds from the cork ~~of or~~ the cork-based material with the dense fluid under pressure,
separating the dense fluid under pressure from the extracts,
vaporizing at least a portion of the separated dense fluid under pressure to form a gaseous fluid, and

recycling the gaseous fluid.

4. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a method of extracting organic compounds from cork or cork based material with a dense fluid under pressure at a temperature of from 10 to 120°C and a pressure of from 10 to 600 bar; wherein the dense fluid under pressure comprises at least one cosolvent in an amount of from 0.01 to 10% by weight based on the total weight of the dense fluid under pressure, wherein the dense fluid is in a supercritical state, and the extracting includes alternately increasing and decreasing the pressure in a plurality of cycles with an amplitude of pressure variation of from 10 to 100 bar and a time interval of from 10 seconds to 10 minutes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. In review of a continuing copending application 11/494715, a provisional double patenting rejection is the only rejection remaining in this application, having an earlier filing date. Therefore, the provisional double patenting rejection in this earlier filed application will be withdrawn, thereby permitting this application to issue without need of a terminal disclaimer. However, a terminal disclaimer will be required in the later filed application 11/494715 (MPEP 804).

6. In an interview with Mr. Stefan Koschmieder on 11/5/06, the examiner discussed amending the claims to correct the first and second paragraphs. Agreement was made to make the changes by Examiner's Amendment, as described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1746

bsc



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